

# FOREIGN WORKERS

## The Law And Practice In Malaysia

*Ashgar Ali Ali Mohamed*

*Farheen Baig Sardar Baig*

*Muzaffar Syah Mallow*

*Mohammad Naqib Ishan Jan*



**CLJ Publication**

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## CHAPTER 8

# EXPLOITATION OF MIGRANT WORKERS: ITS FORMS\*

### 8.1 INTRODUCTION

'Migrant workers' are basically people who have crossed transnational boundaries and generally enter and live in another country only with the express consent of its authorities. They are not nationals of the country in which they live in and as such they may be strangers to their new environment. They are unfamiliar with the national language, laws and practice, and so less able than others to know and assert their rights.<sup>1</sup> They may be skilled or non-skilled workers or they may be 'regulars' or 'non-regulars.' The skilled workers may hold professional occupations that often enjoy full protection of their human rights in the new country. But, the vast majority of migrant workers are non-skilled, poor, vulnerable, unaware of their rights, though well-informed of their duties, and are often in disadvantageous position. In spite of these, migrant workers continue to be industrious, fuelling economies around the world and actively participating in the development and prosperity of their host countries. Indeed, as pointed out by Juan Somavia, Director General of the International Labour Organisation (ILO), 'they are an asset to every country where they bring their labour.'<sup>2</sup> They are hard working human beings, not 'cattle.'<sup>3</sup> As human they deserve dignity and as workers they deserve respect and equal treatment. The bitter truth, however, is that migrant workers around the world may be exploited at the hands of

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\* This Chapter is contributed by Mohammad Naqib Ishan Jan.

1 Stefanie Grant, International Migration and Human Rights, a paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, Available at [www.gcim.org](http://www.gcim.org).

2 Juan Somavia, Director General of the International Labour Organisation (ILO), <http://www.ilo.org/public/english/protection/migrant/> [accessed on the 20th January 2013]

3 'Migrant workers from Nepal and other countries are like cattle in Kuwait. Actually, cattle are probably more expensive than migrant workers there. No one cares whether we die or are killed. Our lives have no value.'- domestic worker from Ilam district, Nepal.